



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/506,883

03/23/2005

Jean-Marc Tridon

0579-1055

6690

466 7590 08/18/2009

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

08/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,883	Applicant(s) TRIDON ET AL.	
	Examiner Mathieu D. Vargot	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-41 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-41 and 43-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/4/09</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1, 6-41 and 43-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites at lines 12-16 of claim 1 (and at lines 24-28 of claim 29 and lines 28-32 of claim 41) that prior to polymerizing the material, the external mechanical force is applied and then the force is released. However, it is not clear exactly when applicant is claiming that the force is released. Is the force released **after** the polymerization –ie, after the lens has been made—or is the force released **prior to** the polymerization. The way this portion of each claims reads, it is open to interpretation as to what applicant intends concerning the release of the force. In claim 1, line 24, “each hole” and at line 27, “each of said holes”, is indefinite in that the claim has recited “a filling hole” at line 17. Hence, it is unclear how many holes there are. The same for “one of said plugs” at lines 27-28, when applicant has claimed “a plug” at line 24. Applicant later clarifies that the only hole is the filling hole at lines 29-32. However, this aspect is repeated and this needs to be corrected. Claim 22, lines 2-3, the plug has already been recited and so this should read –the plug...-- . Claim 40, line 2, “the remainder of said seal” technically lacks antecedent basis and would appear to be more properly – said seal--.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29, 30, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese document 4-63,210 (see Figs. 1 and 2).

Japanese -210 discloses the instant annular seal with means to hold first and second molding shells (33, 34) to define a molding cavity for a lens, a filling hole (22) and a plug or stopper (10) as set forth in instant claim 29. Note that the hole of the applied reference has the instant first and second sections and that the plug has a body that fits tightly in the first section and defines a chamber therearound in the second section of the hole. The language at lines 4-8 and lines 19-28 of claim 29 concerning the adaptation of the annular seal to certain steps is submitted to be inherent, in that the annular seal of Japanese -210 is inherently capable of fulfilling these functions or being used in these process steps. The filling hole is oriented radially as required in instant claim 34 and meets the recitation of instant claim 35.

3.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-33 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document 4-63,210.

Japanese -210 discloses the basic claimed annular seal as set forth in paragraph 2, supra, the applied reference essentially lacking certain aspects of the instant seal that are submitted to have been obvious modifications. For instance, the exact chamber volume would have been within the skill level of the art and making it larger than the

Art Unit: 1791

volume of the first section would have been obvious to adequately displace the air as the plug is placed into the filling hole. Japanese -210 shows a head on the plug fitting on top of the filling hole/injection pipe. However, it would have been obvious to have employed a third section on the filling hole into which the head securely rests to facilitate placement of the plug as desired. Bosses and lugs are conventional features molded onto plastic parts and such would have been obvious in the seal of the applied reference for added strength. The plug having a blind hole is also considered to be obvious over the applied reference to make the plug more flexible. Japanese -210 shows the instant belt and bead arrangement making up the seal, and the aspect of the bead being narrower than the belt would have been an obvious design choice. Clearly, it would have been obvious to have made the plug and gasket of Japanese -210 out of the same elastic material.

4. Claims 1, 6-28, 41 and 43-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document 4-63,210 in view of Matos et al.

Japanese document -210 discloses a method of and device for molding an optical lens from a polymerizable material employing the instant basic annular seal which holds two molding shells, the seal being generally discussed in paragraphs 2 and 3, supra. It is submitted that the general instant process and device are also taught in Japanese -210, the primary reference essentially lacking the aspect of applying an external mechanical force to the molding shells to move them together prior to polymerizing the material, the force being applied prior to filling the material into the cavity, and then being subsequently released. These aspects are taught in Matos et al

Art Unit: 1791

and would have been obvious modifications to the method and device of Japanese -210 to ensure that the molding shells follow the material as it shrinks during cure to facilitate the formation of a quality lens. It is noted that this is fairly conventional in the art. For the purposes of this rejection, it is being assumed that claims 1 and 41 should be interpreted to mean that the mechanical force is released at some time subsequent to the formation of the lens—ie, not prior to polymerization. If applicant intends that the force is released prior to polymerization, such needs to be clearly set forth in the claims. The aspect of filling the first section of the filling hole—and filling same up to the junction between the first and second section—would have been an obvious way to fill the cavity in the method of Japanese -210 to ensure that the cavity gets completely filled. The limitations of method claims 7-11 have been addressed in paragraphs 2 and 3, supra, concerning the annular seal. The additional dependent method and apparatus claims are rejected essentially for reasons of record as set forth in paragraphs 4 and 5 of the action mailed August 15, 2008.

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the submission of Japanese document 4-63,210, the indication of allowable subject matter based on the filling hole and plug has been rescinded. Needless to say, Japanese -210 teaches the basic claimed filling hole and plug and anticipates a number of the annular seal claims. Also, the 112 issues need to be addressed.

Art Unit: 1791

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
August 16, 2009

/Mathieu D. Vargot/
Primary Examiner, Art Unit 1791